Rosenberg Files Kept By FBI, Attorneys Say

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Attorneys for the sons of Ethel and Julius Rosenberg, the couple that was electrocuted in 1953 after conviction on spy charges, alleged yesterday that the government has withheld large numbers of critical files and documents from them despite a court order to produce the papers.

Although the government has turned over more than 100,000 pages of documents in the celebrated and controversial Rosenberg espionage case, the attorneys said, "the FBI clearly has failed to comply with the orders" of U.S. District Court Judge June Green.

The attorneys, including Marshall Perlin and Bonnie Brower of New York and David Rein of Washington, said "there has been massive withholding of many critical files . . . destruction and 'loss' of files, failure to account for voluminous numbers of files and documents."

They said the FBI, according to its computer printout, has searched 163 "main" files of individuals and groups involved in the spy case, but they said the FBI's own documents show there are 126 additional files.

After hearing the complaints of the attorneys for Michael and Robert Meeropol, the Rosenbergs' sons who took the names of their adoptive parents, Green ordered Justice Department attorneys to file a response by Oct. 29.

Justice lawyer Mark J. Kurzmann had told Green he was "confident my client has complied" with her order requiring release of the documents.

He said more than 50 FBI personnel have reviewed 340,076 pages of documents and released 118,121. In addition, he said the Meeropols have been denied 15,499 pages in their entirety, mostly because they were classified to protect FBI informants or would compromise national security.

He said 113,860 pages were presumed to be duplicates of pages already given the sons and 90,246 were deemed to be outside the scope of the court order.

He said the government has 48 documents to consider yet and will do so by Nov. 1.

But the Meeropols' attorneys said in a legal brief that "the FBI has never provided a complete and total inventory" of the various files in the case. They later said much of the material already released consisted of newspaper articles about the Rosenbergs.

The Meeropols's attorneys, who already have been paid $195,802 by the government, told Green the Justice Department has reneged on an agreement to pay them another $66,000 for their expenses in bringing the Freedom of Information suit to unlock the Rosenberg files.

But Green told Perlin he would get "no more money," at least until the end of the case.

She said she already had received mail threatening and criticizing her for approving the amount of the attorneys' fees in the case. "Why aren't you impeached" she said some of the letter writers asked.

After the court hearing, she said she has pitched the 40 to 50 letters in the waste can. She said she was "sure (the letter writers) are good citizens who don't realize the amount of time that's been put in on this" case.